

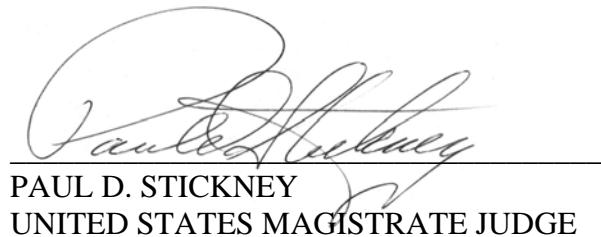
**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MIDWEST E.O.R., INC.,)	
Plaintiff,)	
v.)	No. 3:07-MC-0020-B
)	ECF
CAPCO ENERGY, INC., et al.,)	
Defendants.)	

REPORT AND RECOMMENDATION

The District Court referred this case to the United States Magistrate Judge for report and recommendation. Capco Energy's Motion to Quash Subpoena Duces Tecum is before the Court for consideration. The Court has determined that a hearing is not required. The Court has considered the "Limited Appearance of Capco Energy, Inc. and Motion to Quash subpoena Duces Tecum," filed March 22, 2007, and Plaintiff's Response, filed April 10, 2007. The Court finds that the discovery sought is relevant to jurisdictional issues regarding the case pending in the Northern District of Oklahoma and that it is proper for the limited discovery that is sought from non-party Union Bank of California to be provided. Accordingly, the Court recommends that the Motion of Defendant Capco Energy to Quash Subpoena Duces Tecum be DENIED.

It is so recommended April 23, 2007.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).